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[Review Article accepted for publication on 13 November 2017 in the *Cambridge Journal of International Affairs*]

Haidi Wilmott, Ralph Mamiya, Scott Sheeran and Marc Weller (eds.),
***Protection of Civilians* (Oxford: Oxford University Press, 2016), 452 pp.**

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In a superb opening chapter to this timely, informative and thought-provoking book, Hugo Slim notes how “the past sixty years have seen a dramatic surge in international norms and laws that prioritize compassion and seem to place the individual as the main object of concern in war, over and above the Strategic purpose of the State” (Slim, *Protection of Civilians*, pp.11-12). *Protection of Civilians* focuses principally on the post-Cold War phase of this period and is especially concerned with developments since the late 1990s. On the face of it, this is a period that has witnessed a remarkable shift in the focus of international attention towards the plight and suffering of civilians caught up in war. Indeed, according to Jean-Marie Guéhenno, President of the International Crisis Group and contributor to the volume under review, the protection of civilians has become “one of the most prominent issues of international relations and is at the core of much of the UN’s work on international peace and security”(Guéhenno, *Protection of Civilians*, p.258).

Guéhenno’s assertion is no mere hyperbole. In February 1999, against the dark, lingering shadow cast by the horrors of Srebrenica and the genocide in Rwanda, and with the crisis in Kosovo fast approaching its violent denouement, the UN Security Council held its first thematic meeting devoted specifically to the protection of civilians in armed conflict. Later that same year, a new peacekeeping mission for Sierra Leone, set up under Chapter VII of the Charter, gave UN peacekeepers, for the first time, an explicit mandate “to afford protection to civilians under imminent threat of physical violence”. Since then, the protection of civilians (POC) has ceased to be just an ancillary task for UN blue helmets. As Haidi Willmot makes clear, POC is now the “primary purpose and *raison d’être*” of nearly all of the UN’s peace operations. As if to underline still further the normative shift in favour of civilian protection against the rights and prerogatives of States, the General Assembly in 2005 committed itself - in principle at any rate - “to protect populations from genocide, war crimes,

ethnic cleansing, and crimes against humanity” (“*UN World Summit Outcome Document* 2005”).

Protection of Civilians sets out to explore the many implications – legal, normative, institutional, military and political – that flow from these developments. According to its editors, it was “conceived in an effort to develop a holistic and coherent understanding of the protection of civilians” (Introduction, *Protection of Civilians*, p.1). Its strength derives above all from the variety of perspectives it brings to bear on recent developments, a reflection of the personal experiences and institutional vantage points of the book’s impressive cast of contributors. While this ensures that the book does indeed make an important contribution to on-going debates about civilian protection, what emerges, when taken as a whole, can only with difficulty be said to present a “coherent understanding of the protection of civilians”. To state this, however, is *not* a criticism. On the contrary, the wide-angled approach taken by *Protection of Civilians* to its eponymous subject matter shows very clearly that the issues and challenges raised by protection of civilians in contemporary international society, while never more urgent, are also shot through with paradoxes and difficult-to-reconcile policy dilemmas. Spelling these out is itself a necessary and valuable exercise.

If diversity is a source of strength, it also helps account for some of the tensions that run through the book - “where you stand depends on where you sit”, as the old adage goes. One of these is between, on the one hand, those who see real or substantive progress as having been made towards the internalisation of POC norms in international society, and those, on the other, who view the commitment to POC as far more fragile, fragmentary and susceptible to reversal. Those who lean towards the former, more optimistic, position, tend to emphasise the “lack of clarity” on the POC concept, the absence of an “accepted definition” and inadequate “guidance on implementation”, as significant but, in the end, surmountable obstacles to further progress. The more sceptical view acknowledges that the “while the stated political commitment to the protection of civilians by UN peacekeepers is broad across the UN membership, in practice it remains relatively shallow (Wilmott, *Protection of Civilians*, p.134).” Although the tension between these positions should not be overblown, it is of interest here in part because it speaks to a wider and long-running debate in International Relations about the mechanisms and processes whereby norms are diffused and internalised in international society.

Now, while the importance of conceptual clarity and “better guidance on implementation” should not be underestimated, the actual record of international efforts to protect civilians in armed conflict over the past decade and a half suggests that the problem runs deeper. For all the statements, resolutions and declaratory commitments made to POC since 1999, the grounds for a more sceptical or cautionary reading of developments remain overwhelming. Significantly, that appears to be the view also of those who have been most directly involved at the level of high politics in attempts to translate lofty POC commitments into effective action on the ground. Thus, Jean-Marie Guéhenno, Under-Secretary General in charge of UN peacekeeping from 2000 to 2008, concludes that “the UN’s efforts both to provide physical protection and to build State capacity have real limitations”, and that “central to these limitations is the shallow political consensus at the UN when dealing with protection issues (Guéhenno, *Protection of Civilians*, p.257).” Indeed, he goes further still by suggesting that “the increasing priority given to protection of civilians in UN fora may not evidence the international community’s commitment to a more comprehensive view of human security. Rather, it may simply reflect recourse to a concept adopted from humanitarian law, used to mask political divisions (Guéhenno, *Protection of Civilians*, pp.257-8).” Elsewhere, in a thoughtful analysis of Security Council diplomacy in relation to POC, Bruno Stagno Ugarte, former Foreign Minister of Costa Rica and permanent representative of his country to the UN, observes, with due diplomatic tact, how “most claimants to permanent seats [i.e. Brazil, South Africa, India and Germany] have not distinguished themselves as proactive defenders of the protection of civilians (Ugarte, *Protection of Civilians*, p.306).”

The numerous cases referred to throughout the book, more often than not, add to an overall sense that consensus on protection, notwithstanding fine words and high-minded rhetoric by politicians, has all too frequently proved paper-thin.

One of the many cases discussed is the UN’s response to the final stages of Sri Lanka’s civil war from 2007 to 2009. The case is of special interest for several reasons. In a trenchant and hard-hitting Internal Review of UN action in Sri Lanka - published in late 2012 and known as the “Petrie Report” after its panel chair, Charles Petrie - the organisation was roundly criticised for having chosen to “ignore, exclude, and override human rights concerns from its activity and policy in Sri Lanka” (Clapham, *Protection of Civilians*, p.157). Much of the criticism contained in the “Petrie Report”, especially that relating to the UN’s “systemic failures” in response to the Sri

Lanka crisis, was plainly justified. And, as *Protection of Civilians* documents, the report's findings have provided the basis for some commendable follow-up action aimed at strengthening civilian protection, including the "Human Rights Up Front" initiative discussed in an excellent chapter by Michael Keating and Richard Bennett (Keating and Bennett, *Protection of Civilians*, pp.350-71).

And yet, the "Petrie Report" also appeared to rest on what, to say the least, is a very questionable assumption: "All Member States regret and would wish to prevent situations where there is large-scale loss of human life" ("Petrie Report", paragraph 86). While it may have been politically necessary to say this in a document aimed at UN Member States, it does not change the fact that it is plainly wrong. A distressingly large number of States and non-state actors have shown, and continue to show, neither regret nor willingness to prevent "large-scale loss of human life". Had it been otherwise - had the assumption of the Internal Review Panel on UN action in Sri Lanka been correct - the challenge of civilian protection would have been far less formidable than *Protection of Civilians* shows it to be.

Given these realities, what is to be done? The obvious answer, proffered by nearly all of the contributors to *Protecting Civilians* as well as by the "Petrie Report", is to re-emphasize, yet again, the importance of political will as, in Ugarte's words, "the irreplaceable element" to ensure effective protection of civilians in armed conflict (Ugarte, *Protection of Civilians*, p. 308). To recognise that rapid progress on this score is unlikely, is not, of course, to underplay the urgency of the overall message about the need to strengthen civilian protection efforts, nor is it to deny the critical importance of political will for action to be truly effective. The very focus on POC, including the contribution made to the debate by books of this quality, is itself important and may be viewed as part of international society's growing - if slow, halting and uneven - embrace of the more "restrained and compassionate view of war" that has always co-existed with a "tradition of limitless violence" (Slim, *Protection of Civilians*, p.13). Reinforcing this process in the absence of a deep consensus within international society requires, as Slim forcefully and persuasively argues, that the principle of distinction and civilian immunity is defended from many challenges that currently besiege it. These come not only, as might be expected, from "anti civilian ideologies in the ruthless tradition of war", but also, as Slim is careful to note, "the new revisionism in just war theory", which maintains that "distinction and civilian immunity is a conceptual error, a doctrine that is more a myth rather than a right" (Slim, *Protection of*

Civilians, p.27). Against such pressures, Slim makes a strong and eloquent the case for “the doctrine of the civilian ... to be as generous and forgiving as possible”. It is a case that captures the spirit of this book and merits mention in full:

Practically, because we cannot be sure that we have the precise means to separate the innocent from the guilty as we attack people and places. Ethically, because many of the brutal things done to civilians ... are done without good reason and are terribly wrong. Personally, because we need the civilian label for ourselves and for our children when we too become involved in wars that may be just or unjust and are unusually beyond our control.” (Slim, *Protection of Civilians* pp.27-28).

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